

EXHIBIT A



18-C-526

Judge: TOD KAUFMAN

AMBER D. HALL VS. GESTAMP WEST VIRGINIA, LLC.,

Plaintiff(s).

HALL, AMBER D.

D. ADRIAN HOOSIER, II|ERICA LORD

Plaintiff Attorney(s).

Date Filed: 04/18/2018

Case Type: OTHER CIVIL

Appealed: 0

Final Order Date: N/A

Statistical Close Date: N/A

Defendant(s).

GESTAMP WEST VIRGINIA, LLC.,

HOLSTEIN, BARRY

HUGHES, SCOTT

SUPRENANT, KENNETH

Defendant Attorney(s).Hearings:

Pre-Trial Conference: 09/17/2020 - 10:00 AM

Original Trial: 10/05/2020 - 9:00 AM

RAJ SHAH Line Date**Action / Result**

	0001	04/18/2018
@ CASE INFO; COMPLAINT ISSUED SUM & 5 CPY; F FEE; RCPT 560927;	0002	
\$260	0003	05/04/2018
# LET FR SS DTD 4/30/18; SUM W/ERT (4/30/18 SS) AS TO GESTAMP	0004	
# WV LLC	0005	05/09/2018
# (2) E-CERTS FR SS	0006	05/31/2018
# CASE INFO SHEET; GESTAMPE WV LLC'S ANS W/COS	0007	06/04/2018
# CASE INFO SHEET; KENNETH SUPRENANT'S ANS W/COS	0008	06/14/2018
# COS AS TO P'S 1ST INTERROG'S & REQ FOR PROD; FAX COV LET	0009	06/25/2018
# COS AS TO GESTAMP WV LLC'S 1ST INTERROG'S, REQ FOR PROD & REQ	0010	
# FOR ADM'S TO P	0011	07/18/2018
@ COS AS TO KENNETH SUPRENANT'S RESP TO P'S 1ST SET OF INTERROG'	0012	
& REQ FOR PROD	0013	07/18/2018
@ COS AS TO GESTAMP WEST VIRGINIA'S RESP TO P'S 1ST SET OF	0014	
INTERROG'S & REQ FOR PROD	0015	09/04/2018
@ LET FR RAJ SHAH TO CLK DTD 8/31/18; MOT FOR PRO HAC VICE ADM	0016	
OF RONALD W. FLOWERS, JR W/ATTACH & COS	0017	09/04/2018
@ MOT FOR PRO HAC VICE ADMISSION OF RONALD W. FLOWERS JR W/ATTAC	0018	10/11/2018
" O MAILED TO HOOSIER, LORD & SHAH (S10/11)	0019	10/11/2018
@ COS FOR MOT FOR PRO HAC VICE ADMISSION OF RONALD FLOWERS JR	0020	10/11/2018
LK O: RONALD W. FLOWERS JR ADMITTED PRO HAC VICE S/KAU	0021	07/01/2019
# COS AS TO NOT TO TAKE DEPO	0022	07/18/2019
@ COS AS TO AMD NOT TO TAKE DEPO	0023	11/22/2019

# NOT OF SCHED CONF W/COS (1/17/20 @ 9:15 AM)	0024	01/21/2020
CJD ORDER MLD TO R.FLOWERS,D.HOOSIER,J.TINNEY,R.SHAH;1/17/2020	0025	01/17/2020
LK O: SCHED O (TD 10/5/20 @ 9:00 AM;CONF 9/17/20) S/KAU	0026	01/21/2020
# COS AS TO NOT OF CONT DEPO	0027	02/07/2020
# ENVELOPE AS TO JACK TINNEY RET MARKED "UNABLE TO FORWARD"	0028	02/13/2020
# COS AS TO P'S 1ST INTERROG'S & REQ FOR PROD OF DOCS	0029	02/18/2020
# D'S FACT WIT LIST W/COS		

**Service of Process
Transmittal**

05/03/2018

CT Log Number 533275283

TO: Gene T Price, Partner
Burr Forman LLP
420 20th St N Ste 3400
Birmingham, AL 35203-3284

RE: Process Served in West Virginia

FOR: Gestamp West Virginia, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: AMBER D. HALL, Pltf. vs. GESTAMP WEST VIRGINIA, LLC, et al., Dfts.

DOCUMENT(S) SERVED: Letter, Summons, Attachment(s), Complaint

COURT/AGENCY: Kanawha County Circuit Court, WV
Case # 18C526

NATURE OF ACTION: Employee Litigation - Wrongful Termination - On April 25, 2017

ON WHOM PROCESS WAS SERVED: C T Corporation System, Charleston, WV

DATE AND HOUR OF SERVICE: By Certified Mail on 05/03/2018 postmarked on 05/01/2018

JURISDICTION SERVED : West Virginia

APPEARANCE OR ANSWER DUE: Within 30 days after service of this summons upon you, exclusive of the day of service

ATTORNEY(S) / SENDER(S): D. Adrian Hoosier, II
Lord Hoosier PLLC
225 Hale Street
Charleston, WV 25301
(304) 345-8030

ACTION ITEMS: SOP Papers with Transmittal, via UPS Next Day Air , 1ZX212780105953241

SIGNED: C T Corporation System

ADDRESS: 5400 D Big Tyler Road
Charleston, WV 25313

TELEPHONE: 302-658-7581

658

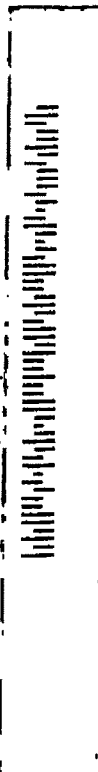
CERTIFIED MAIL



U.S. POSTAGE PITNEY BOWES

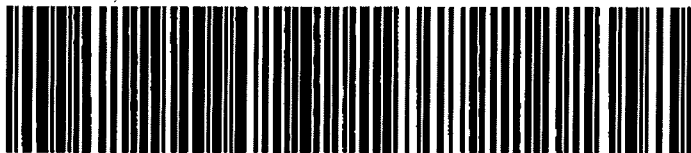


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Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305

USPS CERTIFIED MAIL™



9214 8901 1251 3410 0002 3114 73



Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8683
Visit us online:
www.wvsos.com

GESTAMP WEST VIRGINIA LLC
C. T. Corporation System
5400 D Big Tyler Road
CHARLESTON, WV 25313

Control Number: 218590

Defendant: GESTAMP WEST VIRGINIA LLC
5400 D Big Tyler Road
CHARLESTON, WV 25313 US

Agent: C. T. Corporation System

County: Kanawha

Civil Action: 18-C-526

Certified Number: 92148901125134100002311473

Service Date: 4/30/2018

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Mac Warner

Mac Warner
Secretary of State

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AMBER D. HALL,

Plaintiff,

v.

Civil Action: 18-C-526
Judge:

Kaufman

GESTAMP WEST VIRGINIA, LLC
BARRY HOLSTEIN
KENNETH SUPRENANT
& SCOTT HUGHES,

Defendants.

SUMMONS

TO: GESTAMP WEST VIRGINIA, LLC
c/o CT Corporation System
5400 D Big Tyler Rd.
Charleston, WV 25313

2018 APR 30 P 1:53
STATE OF WEST VIRGINIA
CLERK OF COURT

IN THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon Adrian Hoosier, II, Plaintiff's attorney, whose address is Lord Hoosier, PLLC, 225 Hale Street, Charleston, WV 25301, an answer, including any related counterclaim you may have, to the complaint filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint and you will be thereafter barred for asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: _____

4/18/18

Cathy S. Gatson, Clerk

Circuit Clerk

By Clerk

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

CIVIL CASE INFORMATION STATEMENT
(Civil Cases Other than Domestic Relations)

FILED
2018 APR 18 A 10:09
CLERK

I. CASE STYLE:

Plaintiff(s)

AMBER D. HALL

Case No.

18-C-526

Judge:

Kaufman

vs.

Defendant(s)

Days to
Answer

Type of Service

GESTAMP WEST VIRGINIA, LLC

30

SOS

Name

C/O CT CORP SYSTEM 5400 D BIG TYLER RD.

Street Address

CHARLESTON, WV 25313

City, State, Zip Code

II. TYPE OF CASE:

- | | |
|--|---|
| <input checked="" type="checkbox"/> General Civil | <input type="checkbox"/> Adoption |
| <input type="checkbox"/> Mass Litigation [As defined in T.C.R. 26.04(a)] | <input type="checkbox"/> Administrative Agency Appeal |
| <input type="checkbox"/> Asbestos | <input type="checkbox"/> Civil Appeal from Magistrate Court |
| <input type="checkbox"/> FELA Asbestos | <input type="checkbox"/> Miscellaneous Civil Petition |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Mental Hygiene |
| <input type="checkbox"/> Habeas Corpus/Other Extraordinary Writ | <input type="checkbox"/> Guardianship |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Medical Malpractice |

III. JURY DEMAND: ☒ Yes ☐ No CASE WILL BE READY FOR TRIAL BY (Month/Year): 04 / 2020

**IV. DO YOU OR ANY
OF YOUR CLIENTS
OR WITNESSES
IN THIS CASE
REQUIRE SPECIAL
ACCOMMODATIONS?**

☐ Yes ☒ No

IF YES, PLEASE SPECIFY:

- ☐ Wheelchair accessible hearing room and other facilities
- ☐ Reader or other auxiliary aid for the visually impaired
- ☐ Interpreter or other auxiliary aid for the deaf and hard of hearing
- ☐ Spokesperson or other auxiliary aid for the speech impaired
- ☐ Foreign language interpreter-specify language: _____
- ☐ Other: _____

Attorney Name: D. ADRIAN HOOSIER, II

Firm: LORD HOOSIER, PLLC

Address: 225 HALE ST. CHARLESTON, WV 25301

Telephone: (304) 345-8030

Representing:

- ☒ Plaintiff ☐ Defendant
- ☐ Cross-Defendant ☐ Cross-Complainant
- ☐ 3rd-Party Plaintiff ☐ 3rd-Party Defendant

☐ Proceeding Without an Attorney

Original and 4 copies of complaint enclosed/attached.

Dated: 04 / 18 / 2018

Signature: _____

Plaintiff: AMBER D. HALL, et al Case Number: _____
vs.
Defendant: GESTAMP WEST VIRGINIA, LLC, et al

**CIVIL CASE INFORMATION STATEMENT
DEFENDANT(S) CONTINUATION PAGE**

BARRY HOLSTEIN

Defendant's Name

3100 MacCorkle Ave. Building 307

Street Address

South Charleston, WV 25303

City, State, Zip Code

Days to Answer: 30

Type of Service: PERSONAL/SHERIFF

KENNETH SUPRENANT

Defendant's Name

42 Bridlewood Rd.

Street Address

Charleston, WV 25314

City, State, Zip Code

Days to Answer: 30

Type of Service: PERSONAL/SHERIFF

SCOTT HUGHES

Defendant's Name

3100 McCorkle Ave. Building 307

Street Address

South Charleston, WV 25303

City, State, Zip Code

Days to Answer: 30

Type of Service: PERSONAL/SHERIFF

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

Defendant's Name

Street Address

City, State, Zip Code

Days to Answer: _____

Type of Service: _____

1

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

FILED
Chap
2018 APR 18 A 10:09
CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

AMBER D. HALL,

Plaintiff,

v.

**GESTAMP WEST VIRGINIA, LLC,
BARRY HOLSTEIN,
KENNETH SUPRENANT,
& SCOTT HUGHES,**

Defendants.

Civil Action No. 17-C- 526

Judge:

Jury Trial Demanded

Kaufman

COMPLAINT

1. Plaintiff was employed at Gestamp's facility in South Charleston, West Virginia from February 2014 to April 25, 2017.
2. On December 3, 2016, Plaintiff had an anxiety attack at work and was taken out of the building in an ambulance.
3. After that, Plaintiff's doctor placed her on FMLA from December 3 to December 19, 2016, in order to get treatment for her acute anxiety stemming from her PTSD.
4. Plaintiff continued to receive medical treatment for anxiety from her PTSD after she returned from FMLA.
5. Plaintiff suffered another anxiety attack at work on January 17, 2017.
6. Plaintiff's doctors placed her on FMLA again from January 17 until March 20, 2017. She continued to receive treatment and therapy for her PTSD anxiety during this time.

7. Plaintiff called Scott Hughes, the HR Department Manager at Gestamp, to inform him that she was not sure when she would be released to come back to work.

8. Hughes informed Plaintiff that Gestamp's policies had changed, and that she had three months of FMLA to use in 2017.

9. Hughes also informed Plaintiff that she qualified for short-term disability, which would allow her to get paychecks at her base pay rate of just over \$1600 per two weeks while she recovered.

10. Plaintiff, on Hughes' advice, went on short-term disability concurrently with her FMLA leave, beginning on January 17, 2017.

11. On March 15, 2017, Plaintiff called Scott Hughes to inform him that she was requesting to return to work, that she was having her therapist agree to release her back to work, and that her psychiatrist would sign off as soon as her therapist did.

12. Hughes claimed to have sent a certified letter to Plaintiff to let her know she had used up her FMLA leave, telling her that he had sent it weeks before this March 15 phone call.

13. During this call, Plaintiff inquired why Hughes was telling her that her FMLA was used up given that in January, he told her she had three months of FMLA to use as needed.

14. Hughes denied having told Plaintiff she had three months of FMLA leave.

15. Plaintiff received notice of this letter on March 15, the same day as her call with Hughes, when the postal service left her a notice that she had missed them and she would need to come sign for the letter at the post office.

16. Plaintiff left short-term disability on March 17, as she returned to work on Monday, March 20, 2017.

17. During the final three weeks before Plaintiff returned, her team leader (subordinate) Aaron Lambert was covering her position at Gestamp as a group leader (supervisor).

18. When Plaintiff returned to work, she approached her new supervisor Kenneth Suprenant, and asked him how her job duties had changed since Gestamp had created the supervisor position to manage the group leaders.

19. Suprenant informed Plaintiff that her duties had not changed at all.

20. While Plaintiff was out of the plant on FMLA, her desk was in use by team leader Aaron Lambert, while he filled in for her.

21. Plaintiff asked about getting her desk back, and Suprenant told Plaintiff that she was not permitted to have her desk back until Rusty Mossberger came to the area and okayed it.

22. When Plaintiff returned, the Business Operating System boards near the lobby of the plant listed Aaron Lambert's name under Plaintiff's.

23. It was not standard practice for team leaders at Gestamp to take over the jobs of group leaders in perpetuity without a promotion, as group leaders are above team leaders in terms of pay scale and responsibilities.

24. Suprenant treated Lambert as Plaintiff's superior after her return to work at Gestamp, despite the fact Lambert should have been reporting directly to Plaintiff.

25. Plaintiff was one of only two female group leaders at Gestamp's South Charleston facility, out of twelve group leaders in the facility.

26. On April 11, 2017, Plaintiff was on the line speaking with her team leaders Rhonda Holbert, Chuck Pennington, and Chris Groom.

27. Groom told Plaintiff that she was looking good.

28. Plaintiff was relating a story about working out at the gym when Erica Haynes approached the group and asked why everyone was laughing.

29. Plaintiff began relating the story to Haynes as well, leading to Plaintiff and Haynes exchanging positive comments about each others' posteriors.

30. Haynes then made a comment praising Plaintiff's breasts.

31. Plaintiff reacted to this comment with further joking, understanding the interaction to be lighthearted and humorous.

32. The parties parted ways without complaint.

33. Soon thereafter, Haynes submitted a request for absence to the Plaintiff for approval. Haynes submitted the request for absence on 3/28/2017- the request was denied- Haynes was told she could go to Suprenant to have it approved- she spent the day calling Plaintiff a "Bitch" down the line.

34. Plaintiff denied the request because it would have violated company rules by having over ten percent of her workers out on leave for that day.

35. Plaintiff advised Haynes that if she needed that day off, she could go to Suprenant and get him to approve it, as Plaintiff did not have the authority to approve leave which would violate Gestamp's ten percent headcount rule.

36. Haynes was incensed by this refusal and began complaining about Plaintiff to all who would listen for the rest of that day, walking the assembly line and referring to Plaintiff as "a bitch."

37. Haynes – to the surprise of everyone, including Plaintiff - had filed a complaint of sexual harassment against Plaintiff on April 21, 2017.

38. Haynes had been moved out of Plaintiff's area at the plant on April 20, 2017.

39. Multiple plant personnel told Plaintiff that Kenneth Suprenant had coached Erica Haynes into filing a sexual harassment complaint against Plaintiff.

40. Suprenant and other plant management personnel allowed Plaintiff to continue to supervise Haynes during the weekend, from April 22 to 23, 2017.

41. Neither Suprenant nor any other Gestamp management personnel had yet approached the Plaintiff to reprimand her over the sexual harassment complaint.

42. Neither Suprenant nor any other Gestamp management personnel had yet approached the Plaintiff to inform her of the complaint. Plaintiff was not placed on leave or prevented from coming into contact with the alleged victim.

43. Neither Suprenant nor any other Gestamp management personnel had yet approached the Plaintiff to reassign her to another area where she would not be overseeing the subject of her alleged harassment. In fact no changes were made at all. And Plaintiff was forced to cover an undesirable, and lengthy shift before she was fired.

44. On April 24, 2017, Rhonda Holbert came to Plaintiff and informed her that Erica Haynes had filed a complaint of sexual harassment against Plaintiff.

45. Plaintiff confronted Suprenant on April 24, 2017, about the sexual harassment complaint against her, and together they had a discussion about it in Scott Hughes' office.

46. In response to Plaintiff's attempts to address the sexual harassment complaint, Suprenant disdainfully dismissed the Plaintiff, saying "Why would I discuss this with you?" Plaintiff then was approached by Suprenant in his office directly and alone - the conversation was moved to Scott Hughes office, after Suprenant said, "let's take this to HR." Once the parties were in "HR" others joined.

47. In attendance for this discussion was Kenneth Suprenant, Rusty Mossberger, Scott Hughes, the Plaintiff, and, at the Plaintiff's insistence over the repeated objections of the men (Scott Hughes did not want Kristina Dodd involved) in attendance, Kristina Dodd.

48. Plaintiff did not deny making the comments to Haynes, but gave them context and asked if they were investigating Haynes for her comments about Plaintiff's body.

49. On April 25, 2017, Plaintiff was terminated, allegedly for her "sexual harassment" of Erica Haynes.

50. Scott Hughes claimed in Plaintiff's unemployment hearing that the investigation into Plaintiff was concluded within one day.

51. Hughes acknowledged that it is highly irregular for a sexual harassment investigation to be resolved within one day, and that he could not recall any other time at

Gestamp's South Charleston facility when such a complaint had been resolved within one day.

52. Plaintiff had previously filed a complaint of sexual harassment against Barry Holstein. Holstein aggressively pursued Hall to engage in a sexual relationship.

53. Holstein asked Plaintiff out for drinks and dinner, over which he said they could discuss her future opportunities at the plant.

54. Plaintiff declined this invitation.

55. Thereafter, Holstein made Plaintiff's time at work unpleasant however he could in retaliation for her rejection of his advances.

56. Plaintiff complained about this treatment to Nancy Paxton, the HR Department Manager at that time.

57. Paxton relayed all that Plaintiff had told her to Holstein, causing Holstein to confront Plaintiff about her complaints.

58. Holstein told the Plaintiff she was not to take her complaints to HR or any higher-ups, and that she must speak to him regarding any further complaints.

59. After this confrontation, Plaintiff perceived that her initial complaint to Paxton had failed; she then approached Paxton again to ask for aid with Holstein's mistreatment.

60. Paxton again failed to take action to prevent Plaintiff's harassment by Holstein, causing Plaintiff to take her complaints higher to Paul Lezanic, the plant manager at that time.

61. Lezanic responded to Plaintiff's complaints by saying he worried about her mental health, and that maybe this job wasn't for her.

62. Plaintiff tried one more time to convince Lezanic to take action to remove her from under Barry Holstein's supervision, and once more Lezanic refused to address the situation.

63. Plaintiff then tried to reach Gestamp's corporate HR for help with her harassment by Holstein, and they told her to meet with her plant manager to address her issues.

64. By this time a new plant manager was in charge, Walter Thomas, so Plaintiff met with him and complained of her mistreatment by Holstein due to rejecting Holstein's advances. Thomas told her to write a formal complaint so that HR could do an investigation.

65. Plaintiff wrote a formal complaint against Holstein, as directed by the plant manager, and submitted it to HR at Gestamp's South Charleston facility. (This complaint was sent directly by email to Scott Hughes and Walter Thomas).

66. Gestamp's HR department took no action on the complaint, saying that the allegations could not be substantiated. (Again, Scott Hughes)

67. Holstein's mistreatment of Plaintiff continued, exacerbating her PTSD anxiety, until he resigned to take another position at a different company.

68. Upon her termination on April 25, Plaintiff was walked out of the plant by Kenneth Suprenant.

69. Erica Haynes was heard telling other employees "you're welcome," as Plaintiff was being led out of the plant. (Haynes was doing this while Plaintiff was being walked out and after her termination – obviously damaging, embarrassing and insulting to plaintiff who was being retaliated against.)

70. Haynes was promptly promoted to work in launch coordination at Gestamp's South Charleston facility after Plaintiff's termination. She was to work with Aaron Lambert.

71. Plaintiff was illegally targeted for termination due to her medical leave and issues with PTSD anxiety and her gender, female.

72. Termination due to Plaintiff's disability and/or gender is a violation of the West Virginia Human Rights Act.

73. Defendant Gestamp is a limited liability company authorized to do business in the State of West Virginia with its principal place of business in Troy, Michigan.

74. Defendants Suprenant and/or Hughes are and at all times relevant hereto have been a residents of the State of West Virginia. Defendant Suprenant and/or Hughes conspired, aided, and abetted Defendant Gestamp in discrimination against Plaintiff based upon disability and gender.

75. Plaintiff reserves right to amend to allege claims for violations of public policy, namely relation for plaintiff's complaints, her taking leave to address medical concerns, complaints of sexual harassment, and violations of the Equal Pay Act.

WHEREFORE, Plaintiff demands against Defendants damages for lost wages, the value of lost benefits, damages for mental and emotional distress, punitive damages,

costs and attorney's fees, injunctive relief including but not limited to reinstatement, and such other and further relief as may upon the premises be appropriate.

Jury Trial Demanded.

AMBER D. HALL,
Plaintiff by Counsel,

Respectfully submitted,



D. Adrian Hoosier, II (W. Va. Bar #10013)
Erica Lord (W. Va. Bar #9109)
Lord Hoosier PLLC
225 Hale Street
Charleston, West Virginia 25301
Phone: (304) 345-8030
Fax: (304) 553-7227
E-Mail: erica@lordhoosier.com
adrian@lordhoosier.com

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AMBER D. HALL,

Plaintiff,

v.

Civil Action: 18-C-526
Judge:

Kaufman

GESTAMP WEST VIRGINIA, LLC
BARRY HOLSTEIN
KENNETH SUPRENANT
& SCOTT HUGHES,

Defendants.

SUMMONS

TO: KENNETH SUPRENANT
42 Bridlewood Rd.
Charleston, WV 25314

IN THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon **Adrian Hoosier, II, Plaintiff's attorney, whose address is Lord Hoosier, PLLC, 225 Hale Street, Charleston, WV 25301**, an answer, including any related counterclaim you may have, to the complaint filed against you in the above styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint and you will be thereafter barred for asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

Dated: 4/18/18

Cathy S. Gatson, Clerk

Circuit Clerk

B. O'Hugh

PLAINTIFF: AMBER D. HALL DEFENDANTS: GESTAMP WEST VIRGINIA, LLC, BARRY HOLSTEAIN, KENNETH SURPRENANT AND SCOTT HUGHES	CASE NUMBER: 18-C- 526
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III. TYPE OF CASE:

TORTS	OTHER CIVIL	
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Adoption	<input type="checkbox"/> Appeal from Magistrate Court
<input type="checkbox"/> Professional Malpractice	<input type="checkbox"/> Contract	<input type="checkbox"/> Petition for Modification of Magistrate Sentence
<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Real Property	<input type="checkbox"/> Miscellaneous Civil
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Mental Health	<input checked="" type="checkbox"/> Other - Employment
<input type="checkbox"/> Other Tort	<input type="checkbox"/> Appeal of Administrative Agency	

III. JURY DEMAND: ☐ Yes ☒ No

CASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): 06 / 2020

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? ☐ YES ☒ NO

IF YES, PLEASE SPECIFY:

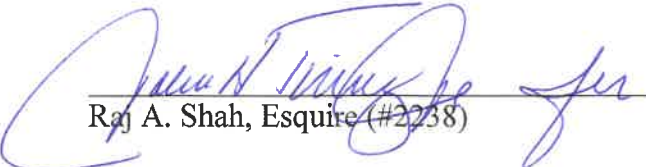
- ☐ Wheelchair accessible hearing room and other facilities
- ☐ Interpreter or other auxiliary aid for the hearing impaired
- ☐ Reader or other auxiliary aid for the visually impaired
- ☐ Spokesperson or other auxiliary aid for the speech impaired
- ☐ Other: _____

Attorney Name: Raj A. Shah, Esquire (#11269)
 Firm: Hendrickson & Long, PLLC
 Address: P.O. Box 11070, Charleston, WV, 25339
 Telephone: (304) 346-5500

Representing: ☐ Plaintiff
☒ Defendant
☐ Cross-Complainant ☐ Cross-Defendant

Dated: May 30, 2018

☐ Pro Se


 Raj A. Shah, Esquire (#2238)

3. In response to paragraph 3 of the Complaint, Gestamp admits that Plaintiff was approved for FMLA leave from December 3 – 19, 2016, and is without information sufficient to admit or deny whether Plaintiff was getting treatment for acute anxiety stemming from PTSD, and therefore denies the paragraph's remaining allegations.

4. In response to paragraph 4 of the Complaint, Gestamp is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

5. In response to paragraph 5 of the Complaint, Gestamp is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

6. In response to paragraph 6 of the Complaint, Gestamp admits that Plaintiff was approved for FMLA leave from January 17 – March 20, 2017, and is without information sufficient to admit or deny the paragraph's remaining allegations, and therefore denies the allegations of the paragraph.

7. In response to paragraph 7 of the Complaint, the paragraph is so vague that Gestamp is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

8. In response to paragraph 8 of the Complaint, Gestamp denies the allegations of the paragraph.

9. In response to paragraph 9 of the Complaint, Gestamp admits that Scott Hughes told Plaintiff that she might qualify for short-term disability. Except as expressly admitted herein, Gestamp denies the allegations of the paragraph.

10. In response to paragraph 10 of the Complaint, Gestamp admits that Plaintiff went on short-term disability on or about January 17, 2017, and denies the remaining allegations of the paragraph.

11. In response to paragraph 11 of the Complaint, Gestamp denies the allegations of the paragraph.

12. In response to paragraph 12 of the Complaint, Gestamp admits that it sent Plaintiff a certified letter explaining that her leave was set to expire. Except as expressly admitted herein, Gestamp denies the allegations of the paragraph.

13. In response to paragraph 13 of the Complaint, Gestamp denies the allegations of the paragraph.

14. In response to paragraph 14 of the Complaint, Gestamp denies the allegations of the paragraph.

15. In response to paragraph 15 of the Complaint, Gestamp is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

16. In response to paragraph 16 of the Complaint, Gestamp admits that Plaintiff did not receive short-term disability payments once she returned to work, and denies the remaining allegations of the paragraph.

17. In response to paragraph 17 of the Complaint, Gestamp admits that Team Leader Aaron Lambert filled in as acting supervisor at times during Plaintiff's absence, and denies the remaining allegations of the paragraph.

18. In response to paragraph 18 of the Complaint, Gestamp denies the allegations of the paragraph.

19. In response to paragraph 19 of the Complaint, Gestamp is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

20. In response to paragraph 20 of the Complaint, Gestamp admits that Aaron Lambert used Plaintiff's desk at times when she was absent and he was filling in for her, and denies the remaining allegations of the paragraph.

21. In response to paragraph 21 of the Complaint, Gestamp denies the allegations of the paragraph.

22. In response to paragraph 22 of the Complaint, Gestamp is without information sufficient to admit or deny the allegations of the paragraph, and therefore, denies the allegations of the paragraph.

23. In response to paragraph 23 of the Complaint, Gestamp denies the allegations of the vague and ambiguous paragraph.

24. In response to paragraph 24 of the Complaint, Gestamp denies the allegations of the paragraph.

25. In response to paragraph 25 of the Complaint, Gestamp denies the allegations of the paragraph.

26. In response to paragraph 26 of the Complaint, Gestamp is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

27. In response to paragraph 27 of the Complaint, Gestamp is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

28. In response to paragraph 28 of the Complaint, Gestamp denies the allegations of the paragraph.

29. In response to paragraph 29 of the Complaint, Gestamp denies the allegations of the paragraph.

30. In response to paragraph 30 of the Complaint, Gestamp is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

31. In response to paragraph 31 of the Complaint, Gestamp is without information sufficient to admit or deny the allegations of the paragraph as to Plaintiff's perceptions, and therefore denies the allegations of the paragraph.

32. In response to paragraph 32 of the Complaint, Gestamp denies the allegations of the paragraph.

33. In response to paragraph 33 of the Complaint, Gestamp denies the 3/28/2017 request for absence occurred after Plaintiff's sexually harassing comments, and denies the allegations of the paragraph.

34. In response to paragraph 34 of the Complaint, Gestamp is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

35. In response to paragraph 35 of the Complaint, Gestamp is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

36. In response to paragraph 36 of the Complaint, Gestamp is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

37. In response to paragraph 37 of the Complaint, Gestamp admits that Haynes filed a complaint of sexual harassment by Plaintiff on April 21, 2017, and denies the paragraph's remaining allegations.

38. In response to paragraph 38 of the Complaint, Gestamp denies the allegations of the paragraph.

39. In response to paragraph 39 of the Complaint, Gestamp denies the allegations of the vague and ambiguous paragraph.

40. In response to paragraph 40 of the Complaint, Gestamp denies the allegations of the vague and ambiguous paragraph.

41. In response to paragraph 41 of the Complaint, Gestamp admits that its investigation into Haynes's complaint had not been completed by April 23, 2017, and denies the remaining allegations of the paragraph.

42. In response to paragraph 42 of the Complaint, Gestamp admits that it did not inform Plaintiff of the complaint until April 24, 2017, and denies the remaining allegations of the paragraph.

43. In response to paragraph 43 of the Complaint, Gestamp admits that neither Suprenant nor any other Gestamp WV manager reassigned Plaintiff, and denies the paragraph's remaining allegations.

44. In response to paragraph 44 of the Complaint, Gestamp is without information sufficient to admit or deny the allegations of the paragraph, and therefore, denies the allegations of the paragraph.

45. In response to paragraph 45 of the Complaint, Gestamp admits that Suprenant, Hughes and Plaintiff discussed the complaint filed against Plaintiff on April 24, 2017, and denies the paragraph's remaining allegations.

46. In response to paragraph 46 of the Complaint, to the extent the allegations can be understood, Gestamp admits that Suprenant, Hughes, and Plaintiff discussed the complaint in Hughes's office, and denies the remaining allegations of the paragraph.

47. In response to paragraph 47 of the Complaint, to the extent the allegations can be understood, Defendants admit that Hughes, Suprenant, Mossberger, Plaintiff, and Dodd were present for some or all of the conversation with Plaintiff regarding the allegations contained in Haynes' complaint, and denies the remaining allegations of the paragraph.

48. In response to paragraph 48 of the Complaint, Gestamp admits that Plaintiff did not deny the allegations of the complaint, and denies the paragraph's remaining allegations.

49. In response to paragraph 49 of the Complaint, Gestamp admits that Plaintiff was terminated on April 25, 2017 for violating its harassment policy, and denies the paragraph's remaining allegations.

50. In response to paragraph 50 of the Complaint, Gestamp denies the allegations of the paragraph.

51. In response to paragraph 51 of the Complaint, Gestamp denies the allegations of the paragraph.

52. In response to paragraph 52 of the Complaint, Gestamp denies the allegations of the paragraph.

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55. In response to paragraph 55 of the Complaint, Gestamp denies the allegations of the paragraph.

56. In response to paragraph 56 of the Complaint, Gestamp denies the allegations of the paragraph.

57. In response to paragraph 57 of the Complaint, Gestamp denies the allegations of the paragraph.

58. In response to paragraph 58 of the Complaint, Gestamp denies the allegations of the paragraph.

59. In response to paragraph 59 of the Complaint, Gestamp denies the allegations of the paragraph.

60. In response to paragraph 60 of the Complaint, Gestamp denies the allegations of the paragraph.

61. In response to paragraph 61 of the Complaint, Gestamp denies the allegations of the paragraph.

62. In response to paragraph 62 of the Complaint, Gestamp denies the allegations of the paragraph.

63. In response to paragraph 63 of the Complaint, Gestamp denies the allegations of the paragraph.

64. In response to paragraph 64 of the Complaint, Gestamp denies the allegations of the paragraph.

65. In response to paragraph 65 of the Complaint, Gestamp admits that Plaintiff made a complaint to Walter Thomas and Scott Hughes about Holstein by email, denies the complaint contained any reference to mistreatment based on sex, and denies the remaining allegations of the paragraph.

66. In response to paragraph 66 of the Complaint, Gestamp denies the allegations of the paragraph.

67. In response to paragraph 67 of the Complaint, Gestamp denies the allegations of the paragraph.

68. In response to paragraph 68 of the Complaint, Gestamp admits that Suprenant escorted Plaintiff from the plant following her termination, and denies the remaining allegations of the paragraph.

69. In response to paragraph 69 of the Complaint, Gestamp denies the allegations of the paragraph.

70. In response to paragraph 70 of the Complaint, Gestamp denies the allegations of the paragraph.

71. In response to paragraph 71 of the Complaint, Gestamp denies the allegations of the paragraph.

72. In response to paragraph 72 of the Complaint, in so much as the paragraph contains only legal conclusions for which no response is required, Gestamp denies the allegations of the paragraph.

73. In response to paragraph 73 of the Complaint, Gestamp admits the allegations of the paragraph.

74. In response to paragraph 74 of the Complaint, Defendants admit that Scott Hughes is a West Virginia resident and denies the paragraph's remaining allegations.

75. In response to paragraph 75 of the Complaint, Gestamp denies the allegations of the paragraph.

Answering the Prayer for Relief following paragraph 75, Gestamp denies the allegations of the Prayer for Relief and denies that Plaintiff is entitled to the relief requested or any relief whatsoever.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff fails to state a claim against Defendants for which relief can be granted insofar as:

1. There are no counts setting forth violations of any law allegedly applicable; and
2. Plaintiff's complaint otherwise fails to state a claim.

SECOND AFFIRMATIVE DEFENSE

Some or all of plaintiff's claims may be barred by the applicable statutes of limitations.

THIRD AFFIRMATIVE DEFENSE

Plaintiff has failed to satisfy administrative pre-requisites, jurisdictional or otherwise, to maintaining some or all the claims alleged in the Complaint.

FOURTH AFFIRMATIVE DEFENSE

Some or all of plaintiff's claims may be barred by the doctrines of res judicata, estoppel, collateral estoppel, judicial estoppel, and/or waiver.

FIFTH AFFIRMATIVE DEFENSE

Defendants state that all personnel actions with respect to plaintiff were taken for legitimate, non-discriminatory, non-pretextual reasons.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's conduct protected by law was not the "but for cause" in any of the personnel actions taken with respect to Plaintiff.

SEVENTH AFFIRMATIVE DEFENSE

Even should the finder of fact determine that Plaintiff's alleged protected status played any part in the termination of Plaintiff's employment, Defendants pleading the mixed motive defense, aver that such actions would have been taken in any event for legitimate, non-discriminatory, non-retaliatory reasons.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff is not, and has not been at any time relevant to this action, a qualified individual with a disability.

NINTH AFFIRMATIVE DEFENSE

Gestamp did not regard Plaintiff as an individual with a physical or mental impairment substantially limiting a major life activity.

TENTH AFFIRMATIVE DEFENSE

Plaintiff failed to seek a reasonable accommodation or, in the alternative, was not entitled to any accommodation sought.

ELEVENTH AFFIRMATIVE DEFENSE

Even if an accommodation was sought, Plaintiff cannot recover damages for failure to accommodate, because Gestamp made good faith accommodation efforts

and/or any accommodation would have imposed undue hardship on Gestamp.

TWELFTH AFFIRMATIVE DEFENSE

Defendant acted in good faith with regard to any and all employment and pay decisions regarding Plaintiff.

THIRTEENTH AFFIRMATIVE DEFENSE

After-acquired evidence that would have provided a lawful reason for the challenged action if known at the time of decision-making forecloses reinstatement and injunctive relief and confines backpay and other monetary relief.

FOURTEENTH AFFIRMATIVE DEFENSE

Some or all of the claims alleged in the Complaint and/or the relief sought are foreclosed because plaintiff is guilty of unclean hands.

FIFTEENTH AFFIRMATIVE DEFENSE

Defendants are not liable because they acted in good faith and in conformity with the applicable law.

SIXTEENTH AFFIRMATIVE DEFENSE

Some or all of plaintiff's claims may be barred by the doctrines of release and accord and satisfaction.

SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate her claimed damages.

EIGHTEENTH AFFIRMATIVE DEFENSE

To the extent that any claims are made under statutes with caps on relief, those caps are asserted.

NINETEENTH AFFIRMATIVE DEFENSE

Defendants expressly deny all allegations not specifically admitted herein.

TWENTIETH AFFIRMATIVE DEFENSE

Plaintiff cannot prove that any conduct at issue was intentional or reckless, that the conduct was extreme and outrageous, or that the conduct caused emotional distress so severe that no reasonable person could be expected to endure it.

TWENTY-FIRST AFFIRMATIVE DEFENSE

Plaintiff is foreclosed from recovering punitive damages because upper management had no actual knowledge of any unlawful conduct, and Plaintiff failed to report such conduct under the mechanism provided by Defendant Gestamp.

TWENTY-SECOND AFFIRMATIVE DEFENSE

Defendant Gestamp maintained an effective policy prohibiting discrimination in employment, and Plaintiff unreasonably failed to take advantage of the policy.

TWENTY-THIRD AFFIRMATIVE DEFENSE

Plaintiff is not entitled to punitive damages because none of the actions taken by the Defendants relative to Plaintiff were taken maliciously, intentionally,

in bad faith or with callous or reckless disregard for Plaintiff's protected rights, and Plaintiff cannot satisfy the appropriate burden to prove these.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

At all relevant times, Plaintiff was an employee-at-will of Defendant Gestamp.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

Plaintiff engaged in no protected activity, or, alternatively, would have been treated no differently even had she not engaged in the protected activity alleged.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

There is no causal connection between the alleged protected activity and the alleged adverse action.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part because the damages alleged are too speculative to allow recovery.

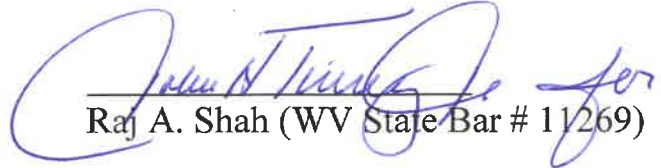
TWENTY-EIGHTH AFFIRMATIVE DEFENSE

Defendants expressly deny all allegations not specifically admitted herein.

TWENTY-NINTH AFFIRMATIVE DEFENSE

Defendants reserve the right to assert additional affirmative defenses as they become known or available.

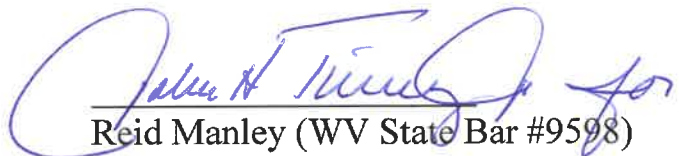
AND NOW having responded to the Complaint against it and incorporating all defenses asserted herein, Defendants demand that the Complaint against them be dismissed with prejudice, and with all costs assessed against the Plaintiff.


Raj A. Shah (WV State Bar # 11269)

ATTORNEY FOR DEFENDANTS
GESTAMP WEST VIRGINIA, LLC AND
SCOTT HUGHES

OF COUNSEL:

HENDRICKSON & LONG, PLLC
214 Capitol Street
Charleston, West Virginia
Telephone: (304) 346-5500
Facsimile: (304) 346-5515
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Reid Manley (WV State Bar #9598)
ATTORNEYS FOR DEFENDANTS
GESTAMP WEST VIRGINIA, LLC AND
SCOTT HUGHES

OF COUNSEL:

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420 Twentieth Street North
Suite 3400
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Telephone: (205) 251-3000
Facsimile: (205) 458-5100
Email: rmanley@burr.com

PLAINTIFF: AMBER D. HALL DEFENDANTS: GESTAMP WEST VIRGINIA, LLC, BARRY HOLSTEAIN, KENNETH SURPRENANT AND SCOTT HUGHES	CASE NUMBER: 18-C- 526
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III. TYPE OF CASE:

TORTS	OTHER CIVIL	
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Adoption	<input type="checkbox"/> Appeal from Magistrate Court
<input type="checkbox"/> Professional Malpractice	<input type="checkbox"/> Contract	<input type="checkbox"/> Petition for Modification of Magistrate Sentence
<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Real Property	<input type="checkbox"/> Miscellaneous Civil
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Mental Health	<input checked="" type="checkbox"/> Other - Employment
<input type="checkbox"/> Other Tort	<input type="checkbox"/> Appeal of Administrative Agency	

III. JURY DEMAND: ☐ Yes ☒ No

CASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): 06 / 2020

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? ☐ YES ☒ NO

IF YES, PLEASE SPECIFY:

- ☐ Wheelchair accessible hearing room and other facilities
- ☐ Interpreter or other auxiliary aid for the hearing impaired
- ☐ Reader or other auxiliary aid for the visually impaired
- ☐ Spokesperson or other auxiliary aid for the speech impaired
- ☐ Other: _____

Attorney Name: Raj A. Shah, Esquire (#11269)
 Firm: Hendrickson & Long, PLLC
 Address: P.O. Box 11070, Charleston, WV, 25339
 Telephone: (304) 346-5500

Representing: ☐ Plaintiff
☒ Defendant
☐ Cross-Complainant ☐ Cross-Defendant

Dated: June 1, 2018

☐ Pro Se

 (For RAS) (#5312)
 Raj A. Shah, Esquire (#2238)

AMBER D. HALL,)
)
 Plaintiff,)
)
 v.)
)
 GESTAMP WEST VIRGINIA,) Civil Action No. 18-C-526
 LLC, BARRY HOLSTEIN,)
 KENNETH SUPRENANT, and) Honorable Tod J. Kaufman
 SCOTT HUGHES,)
)
 Defendants.)

COMES NOW Defendant Kenneth Suprenant, an individual, (“Defendant Suprenant” or “Suprenant”), by and through undersigned counsel, for and in answer to Plaintiff’s Complaint, and says as follows:

1. In response to paragraph 1 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, admits that Plaintiff was employed for Gestamp West Virginia for a time, and denies the remaining allegations of the paragraph.

2. In response to paragraph 2 of the Complaint, Suprenant is without information sufficient to admit or deny whether Plaintiff had an anxiety attack on December 3, 2016, and therefore denies the paragraph's remaining allegations.

3. In response to paragraph 3 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the paragraph's allegations.

4. In response to paragraph 4 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

5. In response to paragraph 5 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

6. In response to paragraph 6 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the paragraph's allegations.

7. In response to paragraph 7 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the paragraph's allegations.

8. In response to paragraph 8 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the paragraph's allegations.

9. In response to paragraph 9 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the paragraph's allegations.

10. In response to paragraph 10 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

11. In response to paragraph 11 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the paragraph's allegations.

12. In response to paragraph 12 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the paragraph's allegations.

13. In response to paragraph 13 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the paragraph's allegations.

14. In response to paragraph 14 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the paragraph's allegations.

15. In response to paragraph 15 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

16. In response to paragraph 16 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the paragraph's allegations.

17. In response to paragraph 17 of the Complaint, Suprenant admits that Team Leader Aaron Lambert filled in as acting supervisor at times during Plaintiff's absence, and denies the remaining allegations of the paragraph.

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19. In response to paragraph 19 of the Complaint, Suprenant admits the allegations of the paragraph.

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23. In response to paragraph 23 of the Complaint, Suprenant denies the allegations of the vague and ambiguous paragraph.

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31. In response to paragraph 31 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph as to Plaintiff's perceptions, and therefore denies the allegations of the paragraph.

32. In response to paragraph 32 of the Complaint, Suprenant denies the allegations of the paragraph.

33. In response to paragraph 33 of the Complaint, Suprenant denies the allegations of the paragraph.

34. In response to paragraph 34 of the Complaint, Suprenant denies the allegations of the paragraph.

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44. In response to paragraph 44 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore, denies the allegations of the paragraph.

45. In response to paragraph 45 of the Complaint, Suprenant admits that he, Hughes and Plaintiff discussed the complaint filed against Plaintiff on or around April 24, 2017, and denies the paragraph's remaining allegations.

46. In response to paragraph 46 of the Complaint, to the extent the allegations can be understood, Suprenant admits that he, Hughes, and Plaintiff discussed the complaint in Hughes's office, and denies the remaining allegations of the paragraph.

47. In response to paragraph 47 of the Complaint, to the extent the allegations can be understood, Defendants admit that Hughes, Suprenant, Mossberger, Plaintiff, and Dodd were present for some or all of the conversation with Plaintiff regarding the allegations contained in Haynes' complaint, and denies the remaining allegations of the paragraph.

48. In response to paragraph 48 of the Complaint, Suprenant admits that Plaintiff did not deny the allegations of the complaint, and denies the paragraph's remaining allegations.

49. In response to paragraph 49 of the Complaint, Suprenant admits that Plaintiff was terminated on or around April 25, 2017 for violating its harassment policy, and denies the paragraph's remaining allegations.

50. In response to paragraph 50 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

51. In response to paragraph 51 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

52. In response to paragraph 52 of the Complaint, Suprenant is without information sufficient to admit or deny the allegations of the paragraph, and therefore denies the allegations of the paragraph.

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75. In response to paragraph 75 of the Complaint, Suprenant denies the allegations of the paragraph.

Answering the Prayer for Relief following paragraph 75, Suprenant denies the allegations of the Prayer for Relief and denies that Plaintiff is entitled to the relief requested or any relief whatsoever.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff fails to state a claim against Defendant for which relief can be granted insofar as:

1. There are no counts setting forth violations of any law allegedly applicable; and
2. Plaintiff's Complaint otherwise fails to state a claim.

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Some or all of plaintiff's claims may be barred by the applicable statutes of limitations.

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Plaintiff has failed to satisfy administrative pre-requisites, jurisdictional or otherwise, to maintaining some or all the claims alleged in the Complaint.

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Some or all of plaintiff's claims may be barred by the doctrines of res

judicata, estoppel, collateral estoppel, judicial estoppel, and/or waiver.

FIFTH AFFIRMATIVE DEFENSE

Defendant states that all personnel actions with respect to plaintiff were taken for legitimate, non-discriminatory, non-pretextual reasons.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's conduct and status protected by law was not the "but for cause" in any of the personnel actions taken with respect to Plaintiff.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff is not, and has not been at any time relevant to this action, a qualified individual with a disability.

EIGHTH AFFIRMATIVE DEFENSE

Suprenant did not regard Plaintiff as an individual with a physical or mental impairment substantially limiting a major life activity.

NINTH AFFIRMATIVE DEFENSE

Plaintiff failed to seek a reasonable accommodation or, in the alternative, was not entitled to any accommodation sought.

TENTH AFFIRMATIVE DEFENSE

Even if an accommodation was sought, Plaintiff cannot recover damages for failure to accommodate, because Gestamp made good faith accommodation efforts and/or any accommodation would have imposed undue hardship on Gestamp.

ELEVENTH AFFIRMATIVE DEFENSE

Defendant Suprenant acted in good faith with regard to any and all decisions regarding Plaintiff.

TWELFTH AFFIRMATIVE DEFENSE

Defendant Suprenant did not "employ" Plaintiff and he is not otherwise a proper Defendant under the West Virginia Human Rights Act.

THIRTEENTH AFFIRMATIVE DEFENSE

After-acquired evidence that would have provided a lawful reason for the challenged action if known at the time of decision-making forecloses reinstatement and injunctive relief and confines backpay and other monetary relief.

FOURTEENTH AFFIRMATIVE DEFENSE

Some or all of the claims alleged in the Complaint and/or the relief sought are foreclosed because plaintiff is guilty of unclean hands.

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To the extent that any claims are made under statutes with caps on relief, those caps are asserted.

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Plaintiff cannot prove that any conduct at issue was intentional or reckless, that the conduct was extreme and outrageous, or that the conduct caused emotional distress so severe that no reasonable person could be expected to endure it.

TWENTIETH AFFIRMATIVE DEFENSE

Plaintiff is foreclosed from recovering punitive damages because upper management had no actual knowledge of any unlawful conduct, and Plaintiff failed to report such conduct under the mechanism provided by Defendant Gestamp.

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Defendant Gestamp maintained an effective policy prohibiting discrimination in employment, and Plaintiff unreasonably failed to take advantage of the policy.

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Plaintiff is not entitled to punitive damages because none of the actions taken by the Defendants relative to Plaintiff were taken maliciously, intentionally,

in bad faith or with callous or reckless disregard for Plaintiff's protected rights, and Plaintiff cannot satisfy the appropriate burden to prove these.

TWENTY-THIRD AFFIRMATIVE DEFENSE

At all relevant times, Plaintiff was an employee-at-will of Defendant Gestamp West Virginia, LLC.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

Plaintiff engaged in no protected activity, or, alternatively, would have been treated no differently even had she not engaged in the protected activity alleged.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

There is no causal connection between the alleged protected activity and the alleged adverse action.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part because the damages alleged are too speculative to allow recovery.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

Suprenant did not make the decision to terminate Plaintiff.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

Defendant is not guilty of unlawful discrimination or retaliation against plaintiff.

TWENTY-NINTH AFFIRMATIVE DEFENSE

Defendant expressly denies all allegations not specifically admitted herein.

THIRTIETH AFFIRMATIVE DEFENSE

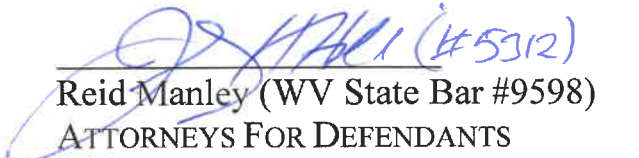
Defendant reserves the right to assert additional affirmative defenses as they become known or available.

AND NOW having responded to the Complaint against him and incorporating all defenses asserted herein, Defendant Suprenant demands that the Complaint against him be dismissed with prejudice, and with all costs assessed against the Plaintiff.


Raj A. Shah (WV State Bar # 11269)

ATTORNEY FOR DEFENDANTS
GESTAMP WEST VIRGINIA, LLC AND
SCOTT HUGHES

OF COUNSEL:
HENDRICKSON & LONG, PLLC
214 Capitol Street
Charleston, West Virginia
Telephone: (304) 346-5500
Facsimile: (304) 346-5515
Email: rshah@handl.com


Reid Manley (WV State Bar #9598)
ATTORNEYS FOR DEFENDANTS
GESTAMP WEST VIRGINIA, LLC AND
SCOTT HUGHES

OF COUNSEL:

BURR & FORMAN LLP

420 Twentieth Street North

Suite 3400

Birmingham, Alabama 35203

Telephone: (205) 251-3000

Facsimile: (205) 458-5100

Email: rmanley@burr.com

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AMBER D. HALL,

Plaintiff,

v.

Civil Action: 18-C-526
Judge: Tod J. Kaufman

GESTAMP WEST VIRGINIA, LLC
BARRY HOLSTEIN
KENNETH SUPRENANT
& SCOTT HUGHES,

Defendants.

CERTIFICATE OF SERVICE

Counsel for Plaintiff, Amber Hall, certifies the foregoing ***"Plaintiff Amber Hall's First Set of Interrogatories and Requests for Production of Documents to Defendants,"*** by sending a true exact copy this 14th day of June 2018, by United States mail, postage prepaid, to the following:

Raj A. Shah, Esq. (WVSB # 11269)
Hendrickson & Long, PLLC
P.O. Box 11070
Charleston, WV 25339
(304) 346-5500



D. Adrian Hoosier, II (WVSB # 10013)

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AMBER D. HALL,

Plaintiff,

v.

**GESTAMP WEST VIRGINIA,
LLC, BARRY HOLSTEIN,
KENNETH SUPRENANT &
SCOTT HUGHES,**

Defendant.

**Civil Action: 18-C-526
Judge: Tod J. Kaufman**

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing **DEFENDANT KENNETH SUPRENANT'S RESPONSE TO PLAINTIFF AMBER HALL'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS** via electronic mail as well as by U.S. First Class Mail, hand delivery or fax on this the 16th day of July, 2018:

D. Adrian Hoosier, II
Lord Hoosier, PLLC
225 Hale Street
Charleston, WV 25301

/s/



Raj A. Shah (WVSB No. 11269)

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AMBER D. HALL,

Plaintiff,

v.

**GESTAMP WEST VIRGINIA,
LLC, BARRY HOLSTEIN,
KENNETH SUPRENANT &
SCOTT HUGHES,**

Defendant.

**Civil Action: 18-C-526
Judge: Tod J. Kaufman**

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing **DEFENDANT GESTAMP WEST VIRGINIA, LLC'S RESPONSE TO PLAINTIFF AMBER HALL'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS** via electronic mail as well as by U.S. First Class Mail, hand delivery or fax on this the 16th day of July, 2018:

D. Adrian Hoosier, II
Lord Hoosier, PLLC
225 Hale Street
Charleston, WV 25301

/s/ 
Raj A. Shah (WVSB No. 11269)



Hendrickson & Long PLLC

ATTORNEYS AT LAW

214 Capitol Street
Charleston, West Virginia 25301

P.O. Box 11070
Charleston, West Virginia 25339

P: 304.346.5500 F: 304.346.5515 www.handl.com

Raj A. Shah
(304) 346-5500
rshah@handl.com

August 31, 2018

Cathy S. Gatson, Clerk
Kanawha County Judicial Building
P.O. Box 2351
111 Court Street
Charleston, WV 25301
GESTA.000005

RE: Amber D. Hall v. GESTAMP West Virginia, LLC, et al.
Civil Action No. 18-C-526

Dear Clerk Gatson:

Enclosed for filing in the above referenced matter please find the original "Motion for Pro Hac Vice Admission of Ronald W. Flowers, Jr."

Complete copies of these documents have this day been provided to counsel of record via First Class US Mail.

Thank you for your time and assistance with this matter. If you have any questions or concerns, please feel free to contact me.

Very truly yours,

HENDRICKSON & LONG, PLLC

Raj A. Shah/cif

Raj A. Shah

RAS/cf

Enclosure

cc: D. Adrian Hoosier, II
Erica Lord
Tod. J. Kaufman, Judge

ATTORNEY FOR DEFENDANTS
GESTAMP WEST VIRGINIA, LLC, BARRY
HOLSTEIN, KENNETH SUPRENT, AND
AND SCOTT HUGHES

OF COUNSEL:

Hendrickson & Long, PLLC
214 Capitol Street
Charleston, WV 25339
Telephone: (304) 720-5516
Facsimile: (304) 346-5515
rshah@handl.com

**IN THE CIRCUIT COURT
OF KANAWHA COUNTY, WEST VIRGINIA**

AMBER D. HALL,

Plaintiff,

v.

**GESTAMP WEST VIRGINIA, LLC,
BARRY HOLSTEIN, KENNETH
SUPRENANT, and SCOTT HUGHES,**

Defendants.

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Civil Action No. 18-C-526

Honorable Tod J. Kaufman

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

BEFORE ME, the undersigned authority, personally appeared Ronald W. Flowers, Jr.,
who, after being duly sworn by me, deposes and says:

1. I am a member of good standing admitted to practice law in the following bars:

Court	Date Admitted	Keeper of the Rolls
United States District Court for the Middle District of Alabama	September 2002	Ms. Debra P. Hackett, Clerk of Court U.S. District Court P.O. Box 711 Montgomery, AL 36101-0711 (334) 954-3600
United States District Court for the Northern District of Alabama	September 2002	Sharon Harris, Clerk of Court U.S. District Court Huge L. Black U.S. Courthouse 1729 Fifth Avenue North Birmingham, AL 35203
United States District Court for the Southern District of Alabama	September 2004	Charles R. Diard, Jr., Clerk of Court U.S. District Court Southern District of Alabama 113 St. Joseph Street Mobile, AL 36602 (251) 690-2371

Alabama State Courts	September 2002	Julia Jordan Weller, Clerk Supreme Court of Alabama 300 Dexter Avenue Montgomery, AL 36104 (334) 229-0700
----------------------	-------------------	---

2. That I make this affidavit in support of the Motion to Admit *Pro Hac Vice* for purposes of representing Defendants as co-counsel in all matters relating to this case.

3. I am a partner with the law firm of Burr & Forman, LLP, 420 North 20th Street, Suite 3400, Birmingham, Alabama 35203.

4. There are no disciplinary proceedings in the above-referenced jurisdictions with respect to my capacity to practice law or with regard to my conduct as an attorney.

5. It is respectfully submitted that there is good cause for my admission *pro hac vice* so that I may adequately assist in defending my clients' interest in the lawsuit it is involved in within the jurisdiction of West Virginia.

6. I have not been admitted *pro hac vice* in any jurisdiction in the State of West Virginia within the preceding 24 months.

7. Attached hereto as exhibit "A" is a list of members of my firm who have appeared before or been involved in any other matters before a West Virginia tribunal or judicial body in the preceding 24 months.

8. I am familiar with and understand that I shall be governed by the local rules of this court, the rules of professional conduct, and all other requirements governing the professional behavior of members of the West Virginia State bar, as well as all laws, rules and regulations of West Virginia state and local governments. I agree to comply with all laws, rules and regulations of West Virginia state and local governments, where applicable, including taxing authorities and any standards for pro bono civil and criminal indigent defense legal services.

9. I will associate in this matter with West Virginia counsel of record Raj. A. Shah, West Virginia Bar ID No. 11269, of Hendrickson & Long, PLLC, 214 Capitol Street, Charleston WV 25339. Raj A. Shah agrees to participate in the matter evidenced by his endorsement upon the verified statement of application below.

10. I have submitted the three-hundred fifty-dollar (\$350.00) payment for *pro hac vice* admitted to the West Virginia State Bar. A copy of the payment is attached as exhibit "B".

11. Accordingly, I hereby request that the Court permit me to appear and participate as counsel for Defendants.

FURTHER AFFIANT SAYETH NOT.



Ronald W. Flowers, Jr.
Alabama Bar No. asb-3635-a59f
Burr & Forman, LLP
420 North 20th Street, Suite 3400
Birmingham, AL 35203
Telephone (205) 458-5152
Facsimile (205) 278-6948
rflowers@burr.com



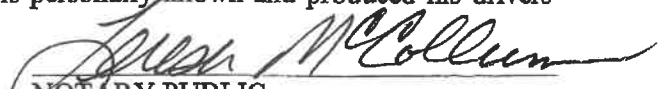
Raj A. Shah (WV State Bar No.: 11269)

Co-Counsel for Defendants

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

The foregoing instrument was subscribed and sworn to before me this 30th day of August, 2018, by Ronald W. Flowers, Jr., who is personally known and produced his drivers' license as identified, and who took an oath.



NOTARY PUBLIC
My Commission Expires: 11-6-2019

Exhibit A

Attorney	Case	Court
Reid Manley	Sharon Dillon v. Capital One	Circuit Court of Raleigh County 16-C-49-H
Reid Manley	Richard and Deborah Davis v. Capital One	Circuit Court of Cabell County 16-C-112
Reid Manley	Thomas Horton v. Capital One	Circuit Court of Raleigh County 16-C-149-H
Reid Manley	Robert and Theresa Tyree v. Capital One	Circuit Court of Raleigh County 16-C-152-H
Reid Manley	Lawrence Hayes v. Capital One	Circuit Court of Preston County 16-C-56
Reid Manley	Lynne Sandy v. Capital One	Circuit Court of Kanawha County 16-C-717
Reid Manley	James Hamrick v. Capital One	Circuit Court of Raleigh County 16-C-415
Reid Manley	Michael & Kristi Dial v. Capital One	Circuit Court of Raleigh County 16-C-467-B
Reid Manley	Barbara Ridenhour v. Capital One	Circuit Court of Fayette County 16-C-245
Reid Manley	Jeffrey Armentrout v. Capital One	Circuit Court of Webster County 16-C-29
Reid Manley	Ricky & Kimberly Hall v. Capital One	Circuit Court of Logan County 16-C-187-W
Reid Manley	Marcie Biggs v. Capital One	Circuit Court of Putnam County 16-C-214
Reid Manley	Danny & Jodi Arthur v. Capital One	Circuit Court of Cabell County 16-C-586
Reid Manley	Julie Osborne v. Capital One	Circuit Court of Greenbrier County 16-C-168
Reid Manley	Ellen Eads v. Capital One	Circuit Court of Raleigh County 16-C-732-K
Reid Manley	Steven & Paula Dempsey v. Capital One	Circuit Court of Putnam County 16-C-300
Reid Manley	John & Trina Walker v, Capital One	Circuit Court of Kanawha County 16-C-1865
Reid Manley	George McSorley v, Capital One	Circuit Court of Wayne County 17-C-023
Reid Manley	Louis H. Dillon v. Capital One	Circuit Court of Raleigh County 17-C-106-D
Reid Manley	James & Charlotte Green v, Capital One	Circuit Court of Raleigh County 17-C-93-D
Reid Manley	Thomas & Kimberly Waugh v. Capital One	Circuit Court of Cabell County 17-C-247

Reid Manley	Stephen Pugh v. Capital One	Circuit Court of Mercer County 17-C-275
Reid Manley	Robert Rutledge v. Capital One	Circuit Court of Raleigh County 17-C-375
Reid Manley	Eula Ewing v. Capital One	Circuit Court of Mercer County 17-C-361-D
Reid Manley	Rodney Crisp v. Capital One	Circuit Court of Kanawha County 17-C-1643
Reid Manley	James & Ann Perdue v. Capital One	Circuit Court of Fayette County 18-C-6
Reid Manley	Timothy & Sandra Stormes v. Capital One Bank, N.A.	United States Bankruptcy Court Southern District of West Virginia 3:16-ap-03007
Reid Manley	Cliff Yuill v. Capital One Bank, N.A.	United States District Court Southern District of West Virginia 3:17-cv-03436
Kip Nesmith	Aida S.R.I. v. Gestamp West Virginia, LLC	Circuit Court of Kanawha County 16-C-1065
Kip Nesmith	Kenneth Harrison & Lisa Harrison v. Gestamp North America, Inc.	Circuit Court of Kanawha County 15-C-877
Rik Tozzi	James Kenneth Legg v. Capital One Bank (USA), N.A. and	Circuit Court of Nicholas County 16-C-84

Exhibit B

From: The West Virginia State Bar [<mailto:support@wvbar.org>]
Sent: Thursday, August 30, 2018 2:43 PM
To: Flowers, Ronald <rflowers@burr.com>
Cc: cheryl@wvbar.org; Flowers, Ronald <rflowers@burr.com>
Subject: Receipt - Pro Hac Vice - Case Payment -



The West Virginia State Bar

Thank you for submitting your information. Please save a copy of this message as your receipt.
You will be contacted if further information is needed.

Decisions of granting or denying Pro Hac Vice motions are not made by The West Virginia State Bar, but by the tribunal to which the motion was submitted.

The West Virginia State Bar is in receipt of your motion to admit counsel pro hac vice which identifies you as local counsel for the proposed visiting attorney.

The West Virginia State Bar's Unlawful Practice of Law Committee wants to ensure that the sponsoring attorney is aware of the requirements and responsibilities that he or she has when serving in this capacity. At the request of that Committee, I have attached a copy of Rule 8.0 of the Rules for Admission to the Practice of Law and a copy of the Unlawful Practice of Law Committee's Advisory Opinion 2010-001, which provides the Committee's directives to both the local attorney and the attorney seeking admission pro hac vice regarding the obligations that each of those attorneys have in their respective capacities. Please review these requirements. The Committee also directs that you provide this information to visiting counsel, and ensure that he or she is familiar with the requirements contained therein.

Please find additional info in these 2 files:

<https://www.mywvbar.org/sites/default/files/emails/Rule8.pdf>

<https://www.mywvbar.org/sites/default/files/emails/AO%202010-001.pdf>

For more information please contact Cheryl Petty Moats at cheryl@wvbar.org.

To view your submission status go to: <https://www.mywvbar.org/phv-case-list>

Please print this confirmation for your records.

Payment Information			
Item	Qty	Each	Total
Number of Out-Of-State Lawyers	1	\$ 358.00	\$ 358.00
Total Amount: \$ 358.00			
Date: August 30th, 2018 3:43 PM			
Transaction #: 61260207142			
Name:			
WVBar ID:			
PHV Case Information			
Civil Action Number		18-c-526	
Email		rflowers@burr.com	
Billing Name and Address			
Ronald Flowers 230 Richmar Drive Birmingham, AL 35213 rflowers@burr.com			
Credit Card Information			
Visa *****2915 Expires: December 2019			

Raj A. Shah (WV Bar #11269)
Hendrickson & Long, PLLC
P. O. Box 11070
214 Capitol Street
Charleston, West Virginia 25339
(304) 346-5500

IN THE CIRCUIT COURT
OF KANAWHA COUNTY, WEST VIRGINIA

FILED
OCT 11 PM 2:55

CATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

AMBER D. HALL,

Plaintiff,

v.

GESTAMP WEST VIRGINIA, LLC,
BARRY HOLSTEIN, KENNETH
SUPRENANT, and SCOTT HUGHES,

Defendants.

Civil Action No. 18-C-526

Honorable Tod J. Kaufman

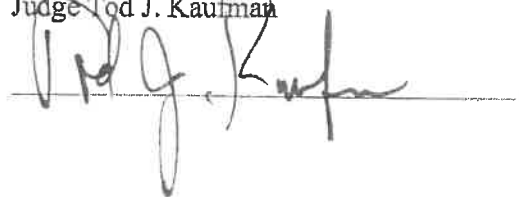
ORDER GRANTING ADMISSIONS *PRO HAC VICE*
FOR RONALD W. FLOWERS, JR.

Pursuant to the Motion for Admissions *Pro Hac Vice* of Ronald W. Flowers, Jr., it is hereby **ORDERED** that said Motion is **GRANTED** and that Ronald W. Flowers, Jr., is admitted to practice *pro hac vice* as counsel for Defendants in this civil action.

The Clerk is hereby directed to forward attested copies of this Order to all counsel of record.

ENTERED this 11 day of October, 2018.

Judge Tod J. Kaufman



Prepared by:

R. Shah
Raj A. Shah (WV Bar #11269)
Hendrickson & Long, PLLC
P. O. Box 11070
214 Capitol Street
Charleston, West Virginia 25309
(304) 346-5500

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AMBER D. HALL,

Plaintiff,

v.

Civil Action No.: 18-C-526
Honorable Tod J. Kaufman

GESTAMP WEST VIRGINIA, LLC,
BARRY HOLSTEIN, KENNETH
SUPRENANT, and SCOTT HUGHES,

Defendants.

CERTIFICATE OF SERVICE

I, Raj A. Shah, do hereby certify that the foregoing NOTICE TO TAKE DEPOSITION has been served on all counsel of record by depositing true and exact copies thereof, via EMAIL and/or United States mail, with first-class postage prepaid and properly addressed on this 27th day of June, 2019, as follows:

D. Adrian Hoosier, II
Hoosier Law Firm
2306 ½ Kanawha Boulevard, East
Charleston, WV 25311



Raj A. Shah, Esquire (WVSB # 11269)
Hendrickson & Long, PLLC
214 Capitol Street
Charleston, WV 25301
(304) 346-5500

Ronald W. Flowers, Jr., Esquire
Burr & Forman, LLP
420 north 20th Street
Suite 3400
Birmingham, Alabama 35203

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AMBER D. HALL,

Plaintiff,

v.

Civil Action No.: 18-C-526
Honorable Tod J. Kaufman

GESTAMP WEST VIRGINIA, LLC,
BARRY HOLSTEIN, KENNETH
SUPRENTANT, and SCOTT HUGHES,

Defendants.

CERTIFICATE OF SERVICE

I, Raj A. Shah, do hereby certify that the foregoing AMENDED NOTICE TO TAKE DEPOSITION has been served on all counsel of record by depositing true and exact copies thereof, via EMAIL and/or United States mail, with first-class postage prepaid and properly addressed on this 16th day of July, 2019, as follows:

D. Adrian Hoosier, II
Hoosier Law Firm
2306 ½ Kanawha Boulevard, East
Charleston, WV 25311



Raj A. Shah, Esquire (WVSB # 11269)
Hendrickson & Long, PLLC
214 Capitol Street
Charleston, WV 25301
(304) 346-5500

Ronald W. Flowers, Jr., Esquire
Burr & Forman, LLP
420 north 20th Street
Suite 3400
Birmingham, Alabama 35203

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AMBER D. HALL,

Plaintiff,

v.

Civil Action Number: 18-C-526

Judge: Kaufman


**GESTAMP WEST VIRGINIA, LLC,
BARRY HOLSTEIN, KENNETH SUPRENANT
And SCOTT HUGHES,**

Defendants.

NOTICE OF SCHEDULING CONFERENCE

NOTICE IS PROVIDED, that a Scheduling Conference has been set on Judge Kaufman's Docket for Friday, January 17, 2020, presiding at 9:15 a.m. or shortly thereafter. You are hereby provided with **NOTICE** to be present and protect you interest at said scheduled conference hearing.

AMBER D. HALL,
By Counsel,



D. Adrian Hoosier, II
West Virginia State Bar Identification Number: 10013
Hoosier Law Firm, PLLC
213 Hale Street, Suite 100
Charleston, West Virginia 25301
T: 681-265-5000
F 681-265-5001

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AMBER D. HALL,

Plaintiff,

v.

Civil Action Number: 18-C-526

Judge: Kaufman

**GESTAMP WEST VIRGINIA, LLC,
BARRY HOLSTEIN, KENNETH SUPRENANT
And SCOTT HUGHES,**

Defendants.

CERTIFICATE OF SERVICE

I, D. Adrian Hoosier, II, counsel for Plaintiff, Larry Dodrill, do hereby certify that I have served the foregoing ***NOTICE OF SCHEDULING CONFERENCE***. a true and exact copy this 22nd day of November, 2019, to the following person, via facsimile, at 304-346-5515:

Hendrickson & Long, PLLC
Attention:
Raj A. Shah
214 Capitol Street
Post Office Box 11070
Charleston, West Virginia 25339



D. Adrian Hoosier, II (WV Bar #10013)

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

FILED

Amber Hall
Plaintiffs,

2020 JAN 17 PM 12:25

v.

CIVIL ACTION NO. 18-CV-52600
KANAWHA COUNTY CIRCUIT COURT

Defendant.

Bestamp

SCHEDULING ORDER

The following shall apply to and govern the above captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to trial and prior to any scheduled activity that should logically precede it.

The parties may not amend, modify or adjust any provision of this order except by leave of the Court.

1. Trial Date: October 5th, 2020 Time: 9am
Pretrial Conference: September 17th, 2020 Time: 10am
2. Dispositive Motions to be filed by: June 30, 2020
3. Discovery Completed on or before: May 31, 2020 June 1, 2020
4. Plaintiffs to identify expert witnesses by: March 1, 2020
5. Defendants to disclose expert witnesses by: April 1, 2020
6. All parties to identify fact witnesses by: Feb. 14, 2020
7. All independent medical examinations, physical or scientific tests or similar examinations, tests or studies shall be conducted by: March 1, 2020
8. Third party complaints to be filed and served on or before: March 1, 2020
9. Mediation to be completed by: June 30, 2020

ALL clients, including a person with settlement authority, shall appear at the Pretrial Conference.

The Court does further Order that a certified copy of this Order be sent to all parties or counsel of record.

Entered this 17th day of January 2020.

Tod J. Kaufman
Judge

R.FLOWERS@Burr.com

Plaintiff's Counsel or Party if unrepresented
sign and print name

D. Adrian Hooser II
213 Hale St. Suite 100
Charleston WV 25301
681-265-5005
ADRIAN@HLEW.com

Defendant's Counsel or Party if unrepresented
sign and print name

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. CATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT.
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS
DAY OF January 2020
Cathy S. Catson
CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

R. Flowers, by J. J. J. J.
#6970

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AMBER D. HALL,

Plaintiff,

v.

Civil Action No.: 18-C-526
Honorable Tod J. Kaufman


GESTAMP WEST VIRGINIA, LLC,
BARRY HOLSTEIN, KENNETH
SUPRENANT, and SCOTT HUGHES,

Defendants.

CERTIFICATE OF SERVICE

I, Raj A. Shah, do hereby certify that the foregoing NOTICE OF CONTINUED DEPOSITION has been served on all counsel of record by depositing true and exact copies thereof, via EMAIL and/or United States mail, with first-class postage prepaid and properly addressed on this 17th day of January, 2020, as follows:

D. Adrian Hoosier, II
Hoosier Law Firm
2306 ½ Kanawha Boulevard, East
Charleston, WV 25311



Raj A. Shah, Esquire (WVSB # 11269)
Hendrickson & Long, PLLC
214 Capitol Street
Charleston, WV 25301
(304) 346-5500

Ronald W. Flowers, Jr., Esquire
Burr & Forman, LLP
420 north 20th Street
Suite 3400
Birmingham, Alabama 35203

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
AMBER HALL,

Plaintiff,

v.

Civil Action No. 18-C-526

Hon. Judge Tod Kaumfan


GESTAMP WEST VIRGINIA, LLC,
BARRY HOLSTEIN, KENNETH SUPENANT,
AND SCOTT HUGHES,

Defendant.

CERTIFICATE OF SERVICE

I, D. Adrian Hoosier, II, Counsel for Plaintiff, Amber Hall, certifies the foregoing
“Plaintiff’s First Set of Interrogatories and Requests For Production of Documents”
by sending a true exact copy this 11th day of February 2020, by United States mail,
postage prepaid, to the following:

RAJ A. SHAH
Hendrickson & Long, PLLC
214 Capitol St.
Charleston, WV 25301


D. Adrian Hoosier, II

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AMBER D. HALL,

Plaintiff,

v.

**GESTAMP WEST VIRGINIA, LLC,
BARRY HOLSTEIN, KENNETH
SUPRENANT & SCOTT HUGHES,**

**Civil Action No. 18-C-526
Judge: Tod J. Kaufman**

Defendant.

DEFENDANTS' FACT WITNESS LIST

Defendants Gestamp West Virginia, LLC, Kenneth Suprenant and Scott Hughes submit the following as their Fact Witness List pursuant to the Court's Scheduling Order:

1. Antoine Anderson
2. Jason Barrett
3. Chris Groom
4. Erica Haynes
5. Barry Holstein
6. Scott Hughes
7. Bonnie Kerola
8. Justin Lavender
9. Paul Lezanic
10. Rusty Mosberger
11. Nancy Paxton
12. Billy Ray
13. Scott Rogers


14. Donald Smith
15. Will Smith
16. Carolyn Starcher
17. Kenneth Suprenant
18. Stephen Thomas
19. Walter Thomas
20. Any witnesses needed for rebuttal or impeachment
21. Any witnesses listed by Plaintiff

Defendants reserve the right to amend this list and/or add additional witnesses to this list as they become known to Defendants.

**GESTAMP WEST VIRGINIA, LLC,
BARRY HOLSTEIN, KENNETH
SUPRENANT & SCOTT HUGHES,**

By Counsel.

Ronald Flowers, Esquire
BURR & FORMAN LLP
Suite 3400
420 North 20th Street
Birmingham, Alabama 35203
(205) 251-3000
(205) 458-5100 (facsimile)
rflowers@burr.com



Raj A. Shah, Esquire (#11269)
HENDRICKSON & LONG, PLLC
214 Capitol Street (zip 25301)
P.O. Box 11070
Charleston, West Virginia 25339
(304) 346-5500
(304) 346-5515 (facsimile)
rshah@handl.com

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

AMBER D. HALL,

Plaintiff,

v.

**GESTAMP WEST VIRGINIA, LLC,
BARRY HOLSTEIN, KENNETH
SUPRENTANT & SCOTT HUGHES,**

**Civil Action No. 18-C-526
Judge: Tod J. Kaufman**

Defendant.

CERTIFICATE OF SERVICE

I, Raj A. Shah, counsel for defendants, do hereby certify that on the 14th day of February, 2020, a true and exact copy of the foregoing “DEFENDANTS’ FACT WITNESS LIST” was served upon counsel of record listed below, by placing the same in the United States mail, postage prepaid, addressed as follows:

D. Adrian Hoosier II, Esquire
HOOSIER LAW FIRM PLLC
Suite 100
213 Hale Street
Charleston, West Virginia 25301



Raj A. Shah, Esquire (#11269)
HENDRICKSON & LONG, PLLC
214 Capitol Street (zip 25301)
P.O. Box 11070
Charleston, West Virginia 25339
(304) 346-5500
(304) 346-5515 (facsimile)
rshah@handl.com